

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 256 of 1991

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?  
1 to 5 No

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RAVINDRA D VASAVADA

Versus

HIRABEN NANUBEN JOBANPUTRA,  
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Appearance:

MR ND NANAVATI for Petitioner  
MR SURESH M SHAH for Respondent No. 1  
Respondent No. 2 unserved  
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CORAM : MR.JUSTICE S.D.SHAH

Date of decision: 10/07/97

ORAL JUDGEMENT

1. The petitioner who is the power of attorney holder of one Kirtilaxmi D. Vasavada has by this Civil Revision Application challenged the legality and validity of the order passed below Exhibit 22 dated 23rd of January, 1991 in Regular Civil Suit No. 114 of 1988. The learned Single Judge of this Court has issued rule

nisi and made it returnable on 5th of April, 1991 and unfortunately the suit of 1988 is yet not disposed of because of the stay granted by the learned Single Judge of this Court.

2. It appears that the present petitioner through the power of attorney holder has already filed Regular Civil Suit No. 616 of 1986 for eviction of respondent No.2 original defendant, inter alia, on the ground of arrears of rent for a period of more than six months allegedly after service of demand notice under Sec. 12(2) of the Bombay Rent Act. It is stated at the bar by Mr. N.D. Nanavati, learned counsel appearing for the petitioner that such suit is pending till date.

3. However, the respondent No.1 - Hiraben Nanuben Jobanputra has instituted Regular Civil Suit No. 114 of 1988 against the defendant, namely, respondent No.2 to recover possession of the suit premises allegedly on the ground of non-payment of rent. Such suit is also stated to be pending in the trial court.

4. It appears that the present petitioner tendered an application at Exhibit 22 in the court of Civil Judge, Junior Division, Junagadh, in the subsequently instituted suit, namely, Regular Civil Suit No. 114 of 1988 under Order 1 Rule 8 of the Civil Procedure Code on 3rd of January, 1991, therein the present petitioner, who was the applicant, through the power of attorney holder applied that she being impleaded as party defendant in Regular Civil Suit No. 114 of 1988 which was filed by Hiraben Nanuben Jobanputra. The said application at Exhibit 22 tendered in Regular Civil Suit No. 114 of 1988 came to be decided by judgment and order dated 23rd of January, 1991, whereby the trial court rejected the application.

5. Being aggrieved thereby the present Civil Revision Application is filed. After hearing Mr. N.D. Nanavati for the petitioner and Mr. S.M. Shah for the respondent, in my opinion, the ends of justice will be met if the direction is issued to the Court of Civil Judge, Junior Division, Junagadh, on whose file the Regular Civil Suit No. 616 of 1986 is pending to decide the said suit expeditiously preferably on or before 31st January, 1998 and till then the Court of Civil Judge, Junior Division, in whose court subsequent suit being Civil Suit No. 114 of 1988 is pending, is directed not to proceed with such suit. The learned District Judge, Junagadh, is directed to go through the operative order of this court carefully and to direct the Civil Judge,

Junior Division, who is in-charge of Regular Civil Suit No. 616 of 1986 to decide the same before the aforesaid date and till then the Regular Civil Suit No. 114 of 1988 shall not be decided.

6. In view of the aforesaid, the rule issued in this Civil Revision Application is discharged. Ad interim relief stands vacated and in case of any difficulty, it is open to the parties to move this court for further clarification. There shall be no costs.

7. Office is directed to send down the writ of this order latest by Tuesday i.e. 15th July, 1997.

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